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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/240,434

01/29/1999

STEPHEN O'NEAL

ITC:9907

7324

7590

08/07/2002

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EXAMINER

NGUYEN, TOAN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 08/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/240,434

Applicant(s)

O'NEAL ET AL.

Examiner

Toan D Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-44 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8, 12-20, 22, 27-32 and 34-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Kozdon et al. (U.S. Patent 6,226,285 B1).

For claims 1-2, 15, 30-32, 36 and 40-41, Kozdon et al. disclose method and system to deliver an audiovisual presentation to a workstation using the telephone comprising:

a computer, having a data connection to a web server, for initiating a telephonic connection between a plurality of telephonic devices (figure 4, col. 7 lines 4-5); and

a plurality of point of presence (POP) telephony servers, coupled to a telephone network, and to said web server, said plurality of POP telephony servers for connecting to said plurality of telephonic devices upon command by said web server (col. 7 lines 10-15);

Art Unit: 2665

wherein said command by said web server is initiated by a user controlling said computer (col. 7 lines 4-5).

For claim 3, Kozdon et al. disclose internet connection (col. 7 lines 9-10) .

For claims 4-7 and 16-17, Kozdon et al. disclose web server comprises a server on the internet, for receiving said initiating from said computer, and for providing said command to said plurality of telephonic devices (figure 4, col. 7 lines 4-15).

For claims 8, 27-28 and 35, Kozdon et al. disclose plurality of POP telephony servers are coupled to said plurality of telephonic devices via said telephone network, and to said web server via a data network (figure 4).

For claims 12-14, 34, 38-39 and 42-43, Kozdon et al. disclose command by said web server comprises:

a telephone number pertaining to a selected telephonic device to be called; and
an IP address of a selected POP telephony server (col. 6 lines 26-52).

For claim 18, Kozdon et al. disclose the first and second telephone networks comprise local telephone switches coupled to the first and second telephone devices, respectively (figure 4, col. 7 line 10).

For claims 19-20, Kozdon et al. disclose the data network comprises:
the internet; a local area network; or a wide area network (figure 4).

For claim 22, Kozdon et al. disclose web server comprises:
a POP database, for storing an IP address for said first and second telephony servers, and for associating telephone numbers with either of said first or second telephony servers (figure 1, col. 4 lines 6-17).

Art Unit: 2665

For claim 29, Kozdon et al. disclose the data network provides long distance voice communication without utilizing a long distance telephone network (col. 7 lines 4-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11, 21, 24-26, 33 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al. (U.S. Patent 6,226,285 B1) in view of Coffman et al. (U.S. Patent 6,385,191 B1).

For claims 9-11, 21, 24-26, 33 and 44, Kozdon et al. do not disclose plurality of POP telephony servers comprise: conversion logic for receiving voice data and for converting said voice data to streaming audio for transmission over a data network. In an analogous art, Coffman et al. disclose conversion logic for receiving voice data and for converting said voice data to streaming audio for transmission over a data network (figure 1, col. 3 lines 14-16). One skilled in the art would have recognized a telephony gateway to use teaching of Coffman et al. in the system of Kozdon et al. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the telephony gateway as taught by Coffman et al. in Kozdon et al.'s system with the motivation being to convert internet voice calls to telephone calls (col. 3 lines 15-16).

Art Unit: 2665

Objection To Claims, Allowable Subject Matter

5. Claims 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN
T.N.



ALPUS H. HSU
PRIMARY EXAMINER